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Human rights situation in Palestine and other occupied Arab territories

Human rights in the occupied Syrian Golan

Report of the Secretary-General

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 31/25, in which the Council called upon Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council. The Council recalled in particular Security Council resolution 497 (1981), in which it decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision.

2. In resolution 31/25, the Human Rights Council also requested the Secretary-General to bring the resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report thereon to the Council at its thirty-fourth session. In addition, the Council decided to continue the consideration of the human rights violations in the occupied Syrian Golan at its thirty-fourth session.

II. Implementation of Human Rights Council resolution 31/25

3. On 26 October 2016, the Office of the United Nations High Commissioner for Human Rights (OHCHR), on behalf of the Secretary-General, addressed a note verbale to the Government of Israel referring to Human Rights Council resolution 31/25 and requesting information on any steps taken or envisaged concerning the implementation of the said resolution. OHCHR did not receive any reply to the note verbale.

4. On the same day, OHCHR, on behalf of the Secretary-General, also addressed a note verbale to all permanent missions in Geneva to draw their attention to Human Rights Council resolution 31/25 and to request the Governments of Member States to provide information on any steps taken, or envisaged, concerning the implementation of the relevant provisions of the resolution. The Permanent Missions of Cuba, the Russian Federation and the Syrian Arab Republic responded to that request in notes verbales.

5. In addition, on behalf of the Secretary-General, OHCHR, pursuant to the request of the Human Rights Council, brought resolution 31/25 to the attention of the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations. OHCHR did not receive any reply thereon.

6. On 3 November 2016, the Permanent Mission of Cuba addressed a note verbale to OHCHR, in which it requested the international community not to recognize any of the legislative or administrative measures and actions taken by Israel as referred to in Human Rights Council resolution 31/25, and reiterated the importance of the efforts made by the United Nations to end the Israeli occupation of the Syrian Golan.

7. The Permanent Mission of Cuba pointed out that the acquisition of territory by force was a violation ofd international law. Israel had taken steps seeking to modify the legal status, physical character, demographic composition and institutional structure of the occupied Syrian Golan.

8. In its note verbale, Cuba called upon Israel to withdraw immediately from the Syrian Golan to the lines existing on 4 June 1967, in compliance with Security Council resolutions 242 (1967) and 338 (1973). It also emphasized that Israel should renounce its "unrestrained attempts" to take over the occupied Syrian Golan. According to Cuba, foreign occupation, policies of expansion and aggression, the creation of settlements and the acquisition of

territory by force were practices that violated international instruments and norms, and had a negative impact on the human rights of the Syrian people, in particular of those living in the occupied Syrian Golan.

9. Cuba rejected Israeli practices aimed at controlling and exploiting the natural resources of the occupied Syrian Golan in what it described as a flagrant violation of resolutions adopted by the Security Council and the General Assembly on the sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, including of the Arab population in the occupied Syrian Golan.

10. The Permanent Mission of Cuba vehemently condemned what it described as the violations of international humanitarian law committed by Israeli authorities in relation to Syrian detainees in the occupied Syrian Golan, reiterating its profound concern at the continuing brutal practices and also expressing its concern at the "inhumane conditions" created by Israel.

11. Cuba added that the Movement of Non-Aligned Countries had expressed its unconditional support and solidarity for what it described as the legitimate demand of the Syrian Arab Republic to fulfil its sovereignty over the occupied Syrian Golan, on the basis of the Arab Peace Initiative and the Madrid peace process, and the principle of land for peace, in conformity with relevant Security Council resolutions. According to Cuba, the ongoing occupation of the Syrian Golan and its de facto annexation were an obstacle to achieving fair, comprehensive and long-lasting peace in the region.

12. In its note verbale, the Permanent Mission of Cuba emphasized that the use of the occupied Syrian Golan by the State of Israel to interfere in the Syrian conflict and to attack new territories in the Syrian Arab Republic constituted a destabilizing factor. It also noted that such actions had the potential to exacerbate the difficult humanitarian situation in the Syrian Arab Republic.

13. In a note verbale dated 8 November 2016, the Permanent Mission of the Russian Federation stated that it did not recognize any of the legislative or administrative measures or actions taken by Israel in the occupied Syrian Golan that contradicted Security Council resolution 242 (1967).

14. On 11 November 2016, the Permanent Mission of the Syrian Arab Republic addressed a note verbale to OHCHR, in which it underlined the need to respect and to implement fully the Fourth Geneva Convention on the protection of civilians, and called upon all Member States not to recognize any of the legislative or administrative measures or actions taken by Israel in the occupied Syrian Golan. It also called upon all Member States to refrain from providing any support to Israel that would be used in settlements in the occupied Syrian Golan and with respect to economic activity leading to violations of international human rights law. It provided information about the continued occupation of the Syrian Golan by Israel and its practices "aimed at perpetuating its occupation", in violation of the economic, social, cultural, civil and political rights of Syrian citizens of the occupied Syrian Golan, and in contravention of international law and relevant Security Council resolutions.

15. The Syrian Arab Republic provided information about the alleged arbitrary arrests of Syrians and lack of due process guarantees afforded to Syrians, and called upon the international community to demand that Israel immediately and unconditionally release all Syrian detainees and prisoners held in Israeli detention facilities. The Syrian Arab Republic pointed out that Syrians in the occupied Syrian Golan continued to be subjected to deprivation of their liberty, including "house arrests", arbitrary arrests and unlawful detention, and that, in Israeli prisons, they were denied family visits. It underlined the recent detention campaign that had affected dozens of Syrian inhabitants of the occupied Syrian Golan. According to the Syrian Arab Republic, some Syrians had been released after

payment of bail of $4,000; they were, however, subsequently prevented from returning to their villages in the occupied Syrian Golan and were instead transferred to areas in the Occupied Palestinian Territory. The Syrian Arab Republic provided details on four of these alleged cases, and on other alleged cases of arbitrary detention.

16. According to the Syrian Arab Republic, Israel had demolished, without prior notice, the private house of a Syrian citizen in Majdal Shams in the occupied Syrian Golan, and had used excessive force against members of the local population opposing the demolition. The Syrian Arab Republic also pointed out that the so-called "Planning and Building Commission" in the occupied Syrian Golan had ordered the demolition of another private home in the same area.

17. In its note verbale, the Syrian Arab Republic underlined the mine-laying practices of Israel in the occupied Syrian Golan, which threatened Arab villages and surrounding areas, as well as grazing lands. According to the Syrian Arab Republic, the explosion of landmines had caused dozens of casualties and numerous injuries to Syrians, and had rendered thousands of acres of land unusable for agricultural purposes.

18. According to the Syrian Arab Republic, Syrians were subject to restrictions on their enjoyment of economic, cultural and social rights, including the right to freedom of movement and the right to family life; for example, Syrians wishing to travel to visit family in the Syrian Arab Republic were prevented from doing so, since they could then be prohibited from returning to the occupied Syrian Golan owing to the closure of the Qunaytirah crossing and/or out of fear of being arrested by the Israeli authorities.

19. In its note verbale, the Permanent Mission of the Syrian Arab Republic claimed that Israeli forces were supporting terrorist groups, including the Nusrah Front,[1] in the area of separation and the Syrian Arab Republic. It claimed that Israel had recently expanded its control over the Yarmouk and Ruqqad valleys in rural Dar'a in the south-western area of the Syrian Arab Republic with the assistance of these terrorist groups.

20. The Syrian Arab Republic provided information about actions conducted by Israel allegedly aimed at eroding the pre-1967 borders by means of creating the de facto impression of geographic and political unity of the occupied Syrian Golan and the Occupied Palestinian Territory. The Permanent Mission underlined what it described as border effacement carried out by Israel through academic, social and political means. By way of example, it referred to the inclusion in 2015 by Israel of local councils in Majdal al-Shams, Buq'ata, Mas'ada and Ein Qiniyye into the so-called "union of Eastern Galilee towns".

21. The Syrian Arab Republic also provided information on Israel's plan to create the natural reserve of the "Hermon National Park", de facto confiscating thousands of acres of land in the Jabal al-Shaykh area in the northern and western occupied Syrian Golan. On 13 July 2016, the District Planning Commission under the Israeli Ministry of the Interior published in its official papers a detailed structural plan for 82,000 acres of land. The Syrian Arab Republic claimed that the plan would result in the seizure of 7,000 acres of land pertaining to Majdal al-Shams in the north and west, exacerbating the town's housing crisis and preventing the natural expansion of the city to accommodate population growth. The Majdal al-Shams Endowment Commission had endeavoured over the past 15 years to implement a project to distribute housing plots to local inhabitants. The project had resulted in the attribution of some 750,000 land rights documents, mostly covering areas identified

[1] On 30 May 2013, the Security Council designated the Nusrah Front a terrorist group pursuant to Council resolution 1267 (1999). In July 2016, the Nusrah Front announced it was changing its name to Jabhat Fatah al-Sham ("Front for the Conquest of the Levant").

in the Israeli plan as pertaining to the "Hermon National Park". The Syrian Arab Republic noted that plan envisaged the possible expansion of the Israeli settlements of Neve Atif and Nimrod, both built on land pertaining to Syrian villages and towns.

22. In its note verbale, the Syrian Arab Republic provided information about Israeli settlement expansion in the occupied Syrian Golan, in particular, the decision by Israel to build in five years 19 new settlements in order to attract 1,500 Israeli families volunteering to resettle in the occupied Syrian Golan. The Syrian Arab Republic also provided information about the plan, announced by Israel on 24 June 2016, to build 4,000 new housing units in the Ketsarin settlement in the occupied Syrian Golan and to develop economic, cultural and vocational installations, including a winery, multipurpose and scientific centres, a water bottling plant, a dairy factory and a museum, with a view to consolidating its settlement policy in the occupied Syrian Golan.

23. The Syrian Arab Republic also referred to recent statistics released by Israel, highlighting the significant increase in the number of Israeli settlers between 2010 and 2015, including in Bnei Yehuda, Odem, Had Nes and Avnei Eitan. According to the Syrian Arab Republic, Israel continued to encourage Israeli settlement by offering financial incentives and supporting investments in education and agriculture with a view to strengthening its occupation and changing the demographic composition of the occupied Syrian Golan.

24. The Syrian Arab Republic provided information on alleged Israeli practices and conduct aimed at controlling and exploiting natural resources in the occupied Syrian Golan, in violation of Security Council resolution 497 (1981). It claimed that the right of Syrians to work was restricted in the occupied Syrian Golan. According to the Syrian Arab Republic, Israel had exploited the natural resources of the occupied Syrian Golan and granted Israeli settlers exclusive use of those resources, thus depriving the Syrian population in the occupied Syrian Golan of any benefit from them. Syrian residents had access to only 45,000 acres of land for farming, while Israeli settlers had access to 350,000 acres of land. By preventing Syrian farmers from marketing their products in the Syrian Arab Republic, Israel had created a situation of a de facto economic siege. The Syrian Arab Republic also drew attention to the persistent practice conducted by Israel of burying toxic waste in the occupied Syrian Golan, resulting in adverse health and environmental effects on Syrian citizens. It provided, in addition, a list of companies allegedly funding Israeli settlement activity in the occupied Syrian Golan.